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Wired Shut: Copyright and the Shape of Digital Culture

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Wired Shut: Copyright and the Shape of Digital Culture

Description

Review of *Wired Shut: Copyright and the Shape of Digital Culture* / Gillespie, Tarleton. *Wired Shut: Copyright and the Shape of Digital Culture*. Cambridge Mass: The MIT Press, 2007. .

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Tarleton Gillespie's *Wired Shut: Copyright and the Shape of Digital Culture*



Review by Jeffrey Barlow

Gillespie, Tarleton. *Wired Shut: Copyright and the Shape of Digital Culture*. Cambridge, Mass: The MIT Press, 2007.

At first glance, this work will inevitably be taken as a highly technical discussion of what may be simultaneously both the most critical and the most boring issue relating to the impact of the Internet: copyright law. However, Dr. Gillespie, an Assistant Professor of Communications at Cornell University, [1] utilizes the topic to markedly enhance the reader's understanding of a wide variety of topics relating to culture in general, and to digital culture in particular.

The work is also a very welcome one in that the author convincingly shows that the current debate over digital rights, particularly as reflected in long-running discussions of music and piracy, has been very ably shaped and controlled by but one side in the debate, at least at the public level. [2] After reading *Wired Shut*, any reader is going to be a much wiser consumer of information bearing upon public and legal debates over copyright law, and particularly over the technical fixes, such as digital rights management software and hardware so often said to be the solution to the "problem of piracy.

Wired Shut lets us see very critical issues from a much broader perspective, though the author's biases are quite clear. He is very much a netizen who fears that the potentially extraordinary utility of the Internet for human development may well be choked off by the desires for profit of a relatively few interested parties. From this perspective, the group advocating stringent copyright law and particularly those who seek to "wire shut" the technology by incorporating various hard-wired schemes to limit copying, are infringing upon hard-won civil liberties going back before the U.S. constitution.

The author reminds us that the purpose of U.S. copyright law at the national founding was not only to protect the rights of authors and those who disseminate their work. The arguably more important purpose was to “promote the progress of science and useful arts...” [3] Gillespie argues persuasively that the technological fix may well retard both. If tinkerers are now to be punished for opening up their computer, or their CD player literally informs the corporation that produced it that it has been altered, then more is lost, Gillespie believes, than when a CD is illicitly copied for personal use.

Underlying the copyright protection of cultural expressions in the author’s view, in an inexact definition of such expressions as “property.” There are, Gillespie shows, many critical differences between the two.

Gillespie does not argue that “information (or music) wants to be free.” He rather argues that we are in a new era, and that we must be careful as to what legal frameworks we construct to protect rights, lest we not only limit creativity, but in the long run, also hobble our technological development because sheer profit motive comes to be the dominant factor in creating culture.

The Internet is, the author believes, very different from previous broadcast models of disseminating popular culture. Rather than a simple one-to-many model, peer-to-peer applications make the consumer also the distributor, creating a “cultural politics of decentralization.” The purpose of so many attempts at copyright protection, lawsuits, attempts to legislate permissible and impermissible technology, are precisely to transform the Internet into a broadcast medium, or a “Client server relationship” in which consumers are allowed access to material under highly centralized and carefully controlled conditions. [4]

The work is couched largely in postmodernist language and interpretation, but happily this analysis is extremely accessible to those of us in the pre-postmodern herd, because of its very tight organization. The author continually explains where, in his view, we are going, and

why. He also gives us a very pithy summary at the end of each chapter which simultaneously extends the analysis, and reminds us where we have been. As he segues into his next topic, we are then fully prepared to confront it however complex it may be.

I am relieved in part to read this book because it somewhat lessens my own guilt at my dramatically piratical past: See “China and the Internet, Part 1: My Life as a Pirate” <http://bcis.pacificu.edu/journal/2003/09/edit.php>. While I cannot necessarily view myself as a civil libertarian as I facilitated copying of rock music in my callow youth while living in Taiwan, I now see that the issue is far more complicated than simple piracy. I now think of myself as an unauthorized distributor at that time.

Gillespie’s central argument is that the technological fix to copying, the legal restriction of what sorts of machines can be built to play or create digital materials, is both “strategic” and “paradigmatic.” They are deliberately intended to change us from *creators* and *users* to culture to *consumers* of culture. [5] These practices try to draw a sharp distinction between producers and consumers, in a cultural world where creation has always had elements of both consumption and production in it.

The problem, in Gillespie’s view, is that one side has all the guns. Corporations have increasing control over the law. This is particularly true in areas where digital technology is the field of battle. The corporations, purchasing influence via our badly crippled election system, in effect buy access, which permits them to write the laws.

On the other side are corporations that refuse to cooperate in restriction schemes, quite often because such schemes are originally intended to increase the market share of a few big players at the expense of potentially disruptive smaller firms. And of, course, also engaged are the endlessly creative hackers and tinkerers who produce an unending stream of applications such as Gnutella, Napster, etc. Too, there are courts and judges who can understand the link between technology and

the creation of culture, and periodically intervene to protect that link.⁶ Some congressmen as well, in the author's view, understand the stakes.

It is difficult to say where the balance in this contest rests right now. Hollywood is extremely reluctant to pursue its Holy Grail---on line download of first-run films, because in the absence of the protections they want, it could be ultimately destructive of their valuable productions. Music companies, however, are seemingly much more interested in a subscription model or pay-per-download on the iTunes model now that the sale of CDs has fallen so rapidly.

These are all very complex issues. The best explanation, however, that I have seen of both the legal and technological histories of the problem is *Wired Shut*. All consumers and producers of digital materials should read it.

[1] See his personal WWW page at: <http://www.tarletongillespie.org/>
His CV can be found at: <http://www.tarletongillespie.org/cv.html>

[2] At <http://www.wiredshut.org/ch1.html> a PDF file of the entire first chapter of the work can be downloaded. Gillespie is to be commended for making so much of the work available online.

[3] P. 22.

[4] See pp 40-47.

[5] See discussion at p. 18 in PDF linked above.

[6] A useful work in this regard is Abramson, Bruce D. *The Secret Circuit: The Little-Known Court Where the Rules of the Information Age Unfold*. New York: Rowman & Littlefield, Publishers, Inc., 2007. Reviewed in Interface at: <http://bcis.pacificu.edu/journal/2008/01/abramson.php>

Copyright. from the digital-locks dept. Thu, Aug 18th 2016 1:02pm " Mike Masnick. We're back again with another in our weekly reading list posts of books we think our community will find interesting and thought provoking. Once again, buying the book via the Amazon links in this story also helps support Techdirt. I've been going back through various books from the past and came across Tarleton Gillespie's amazing *Wired Shut: Copyright and the Shape of Digital Culture* from almost a decade ago. However, it's still very, very relevant today, especially as we're constantly *Wired Shut: History*. Added November 19, 2010. 4. *Wired Shut: P2P and DRM*. Added November 19, 2010. 5. *Wired Shut: Implications*. Added November 19, 2010. [Subscribe](#). *Wired Shut* describes the evolution of copyright law, details the way information architecture is changing the law, and addresses how these changes may ultimately impact the marketplace of idea. In the physical world these laws were constructed to facilitate the movement and production of cultural objects. In the digital world, these new structures function to slow down or stop the movement of cultural objects. In *Wired Shut*, Gillespie discusses three of the major movements that led to the current changes in copyright law. The author provides an overview of the history and importance of Digital Rights Management (DRM), the Secure Digital Music Initiative (SDMI), and DVD encryption. **SUBSCRIBE TODAY!** Subscribe to [Questia](#) and enjoy In *Wired Shut*, Tarleton Gillespie examines this shift to "technical copy protection" and its profound political, economic, and cultural implications. Gillespie reveals that the real story is not the technological controls themselves but the political, economic, and cultural arrangements being put in place to make them work. He shows that this approach to digital copyright depends on new kinds of alliances among content and technology industries, legislators, regulators, and the courts, and is changing the relationship between law and technology in the process. The film and music indu